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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,449	07/18/2003	Andrew Reino Anderson	2316.709USC3	4004

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EXAMINER	
VUONG, QUOCHIEN B	
ART UNIT	**PAPER NUMBER**
2618	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/623,449	ANDERSON ET AL.	
	Examiner	Art Unit	
	Quochien B. Vuong	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to Applicant's response filed on 02/15/2006. Claims 21-32 are now pending in the present application. **This action is made final.**

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 21-32 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 19 of U.S. Patent No. 6,049,709. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Regarding claim 21, claim 19 of U.S. Patent No. 6,049,709 encompasses all the claimed limitation including a device for segmenting a radio frequency network, the device comprising: a module for receiving and segmenting radio frequency network signals, said module having a housing defining an interior; said housing having a back of electrically conductive material and a front; a plurality of coax connectors mounted at said back of said housing with outer shields of said connectors electrically coupled to said back of the housing; radio frequency circuitry for performing segmenting functions, said radio frequency circuitry at least partially within said interior of said housing, said radio frequency circuitry being electrically interconnected with said coax connectors, said radio frequency circuitry further including at least one removable plug for modifying network signals; said plug being accessible from said front of said housing, wherein said housing includes front face structure; said front face structure defining an opening, said at least one removable plug being sized to pass through said opening; wherein a guiding member is provided adjacent to said opening to assist in guiding said plug as it is inserted through said opening; wherein said front face structure, while providing an opening that exposes said plug, otherwise generally covers said radio frequency circuitry; a removable cover mounted to said housing for covering said plug; a chassis, said chassis having receiving locations for receiving and holding a plurality of modules; a monitor coax connector mounted to said housing, wherein said radio frequency circuitry further comprises at least one coupler for diverting a portion of a radio frequency signal to said monitor coax connector; wherein said monitor coax connector is accessible from said front of said housing.

Regarding claim 22, claim 19 of U.S. Patent No. 6,049,709 encompasses all the claimed limitation including wherein said module housing includes flanges extending from housing; and wherein said chassis receiving locations includes grooves corresponding to said flanges with each flange of said module being received in a groove.

Regarding claim 23, claim 19 of U.S. Patent No. 6,049,709 encompasses all the claimed limitation including wherein said guiding member is a support member that is mounted to said front face structure.

Regarding claim 24, claim 19 of U.S. Patent No. 6,049,709 encompasses all the claimed limitation including a threaded connection mounted to said cover for mounting said cover to said housing.

Regarding claim 25, claim 19 of U.S. Patent No. 6,049,709 encompasses all the claimed limitation including projecting tabs on said module, each projecting tab including a locking screw for locking said module to said chassis.

Regarding claim 26, claim 19 of U.S. Patent No. 6,049,709 encompasses all the claimed limitation including wherein said cover is formed of electrically conductive material.

Regarding claim 27, claim 19 of U.S. Patent No. 6,049,709 encompasses all the claimed limitation including wherein said front face structure is formed of electrically conductive material.

Regarding claim 28, claim 19 of U.S. Patent No. 6,049,709 encompasses all the claimed limitation including wherein said cover is formed of electrically conductive material.

Regarding claim 29, claim 19 of U.S. Patent No. 6,049,709 encompasses all the claimed limitation including projecting tabs on said module, each projecting tab including a locking screw for looking said module to said chassis.

Regarding claim 30, claim 19 of U.S. Patent No. 6,049,709 encompasses all the claimed limitation including a threaded connection mounted to said cover for mounting said cover to said housing.

Regarding claim 31, claim 19 of U.S. Patent No. 6,049,709 encompasses all the claimed limitation including a device for segmenting a radio frequency network, the term segmenting defined herein to be limited to certain passive circuit functions including one or more of the functions of splitting, combining, diverting, adding, equalizing, and directional coupling of radio frequency network signals, the device comprising: at least one module for receiving and segmenting radio frequency network signals, said module having a housing defining an interior, said housing having a back of electrically conductive material and a front; a plurality of coax connectors mounted on said back of said housing with outer shields of said connectors electrically coupled to said back of the housing, radio frequency circuitry for performing segmenting functions, said radio frequency circuitry at least partially within said interior of said housing, said radio frequency circuitry being electrically interconnected with said coax connectors; front face structure defining a plurality of openings, wherein said front face structure

otherwise generally covers said radio frequency circuitry; said radio frequency circuitry further including a plurality of removable plugs for modifying the network signals; each of said plugs being accessible from said front of said housing, a removable cover mounted to said housing for covering said plurality of plugs.

Regarding claim 32, claim 19 of U.S. Patent No. 6,049,709 encompasses all the claimed limitation including a device for segmenting a radio frequency network, the term segmenting defined herein to be limited to certain passive circuit functions including one or more of the functions of splitting, combining, diverting, adding, equalizing, and directional coupling of radio frequency network signals, the device comprising: a chassis defining a plurality of openings; at least one module for receiving and segmenting radio frequency network signals, said module having a housing defining an interior, said module sized for receipt into one of said plurality of openings, said module having mounting structure for retainably engaging said module within said chassis; said housing having a back of electrically conductive material and a front; a plurality of coax connectors mounted on said back of said housing with outer shields of said connectors electrically coupled to said back of the housing; radio frequency circuitry for performing segmenting functions, said radio frequency circuitry at least partially within said interior of said housing, said radio frequency circuitry being electrically interconnected with said coax connectors; front face structure defining a plurality of openings, wherein said front face structure otherwise generally covers said radio frequency circuitry; said radio frequency circuitry further including a plurality of removable plugs for modifying the

network signals; each of said plugs being accessible from said front of said housing; a removable cover mounted to said housing for covering said plurality of plugs.

Response to Arguments

3. Applicant's request for examination and consideration with respect to new claims 21-32 have been considered. The new claims 21-32 are still rejected under the judicially created doctrine of double patenting.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B. Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QUOCHIEN B. VUONG
PRIMARY EXAMINER

Quochien B. Vuong
Apr. 15, 2006.